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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1H 2006 188

KAREN LOUISE PARKER  
4832 Hayter Avenue  
Lakewood, California 90712

**A C C U S A T I O N**

Respiratory Care Practitioner License No. 19360

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs (Board).

2. On or about April 14, 1997, the Board issued Respiratory Care Practitioner License Number 19360 to Karen Louise Parker (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

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3. This Accusation is brought before the Board under the authority of the

4. Section 3710 of the Code states: “The Respiratory Care Board of

5. Section 3718 of the Code states: “The board shall issue, deny, suspend,

“The board may order the denial, suspension or revocation of, or the imposition of  
onary conditions upon, a license issued under this chapter, for any of the following

“(d) Conviction of a crime that substantially relates to the qualifications, ns, or duties of a respiratory care practitioner. The record of conviction or a d copy thereof shall be conclusive evidence of the conviction.

“(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

7. Section 3752 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere

1 conviction has been affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent order under Section  
3 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to  
4 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
5 accusation, information, or indictment.”

6 8. California Code of Regulations, Title 16, section 1399.370, states:

7 “For the purposes of denial, suspension, or revocation of a license, a crime or act  
8 shall be considered to be substantially related to the qualifications, functions or duties of  
9 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to  
10 perform the functions authorized by his or her license or in a manner inconsistent with the  
11 public health, safety, or welfare. Such crimes or acts shall include but not be limited to  
12 those involving the following:

13 “ . . .

14 “(b) Conviction of a crime involving fiscal dishonesty theft, or larceny.

15 “ . . . .”

#### 16 COST RECOVERY

17 9. Section 3753.5, subdivision (a) of the Code states:

18 "In any order issued in resolution of a disciplinary proceeding before the board,  
19 the board or the administrative law judge may direct any practitioner or applicant found to  
20 have committed a violation or violations of law to pay to the board a sum not to exceed  
21 the costs of the investigation and prosecution of the case."

22 10. Section 3753.7 of the Code states:

23 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
24 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
25 administrative, filing, and service fees."

26 11. Section 3753.1, subdivision (a) of the Code states:

27 "An administrative disciplinary decision imposing terms of probation may  
28 include, among other things, a requirement that the licensee-probationer pay the monetary

costs associated with monitoring the probation."

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

12. Respondent is subject to disciplinary action under sections 3750, subdivision (d), and 3752 of the Code, and California Code of Regulations, Title 16, section 1399.370, subdivision (b), in that she was convicted of a crime substantially related to the qualifications, functions or duties of a respiratory care practitioner. The circumstances are as follows:

A. On or about April 10, 2006, the security division from United Parcel Services (UPS) contacted the Los Angeles County Deputy Sheriff's Department about Respondent's husband, a UPS employee, who was stealing packages from the Cerritos operations plant, repackaging them, and having them shipped to his residence. On or about April 10, 2006, the UPS security team tracked a package containing numerous stolen items including jewelry, clothes, and prescription narcotic pills valued at about \$7,000.00, which was delivered to Respondent's residence. A search warrant was issued, and the deputy sheriffs entered Respondent's residence. Respondent's husband admitted that over the prior fifteen months, he had sent about ten packages of stolen repackaged items from UPS, including computers, jewelry, gift cards, and thousands of prescription narcotic pills, to his residence in Respondent's name. Respondent admitted to receiving the package on April 10, 2006, and also admitted receiving another package in or around December 2005. She stated that she knew the items were probably stolen. Respondent and her husband were arrested for grand theft.

B. On or about November 27, 2006, in Los Angeles County Superior Court Complaint No. VA095763, Respondent was charged with grand theft by embezzlement, in violation of Penal Code section 487, subdivision (a), a felony (Count 1); receiving stolen property, in violation of Penal Code section 496, subdivision (a), a felony (Count 2); possession for sale of a controlled substance, Codeine and Hydrocodone, in violation of Health and Safety Code section 11351, a felony (Count 3); possession for sale of a

1 controlled substance, Temazepam and Alprazolam, in violation of Health and Safety  
2 Code section 11378, a felony (Count 4); and possession for sale of a controlled substance,  
3 Phentermine and Phendimetrazine, in violation of Health and Safety Code section 11378,  
4 a felony (Count 5).

5 C. On or about May 10, 2007, Respondent was convicted upon her plea of  
6 nolo contendere to grand theft by embezzlement (Count 1). On or about May 25, 2007,  
7 Respondent was placed on probation for three years with terms and conditions including:  
8 serve 180 days in county jail (with credit for 1 day); pay a court security assessment of  
9 \$20.00 and a restitution fine of \$200.00; not to possess or own any dangerous or deadly  
10 weapons; not to use or possess any narcotics or dangerous drugs; and make restitution to  
11 the victim. Counts 2 through 5 of the complaint were dismissed.

#### 12 SECOND CAUSE FOR DISCIPLINE

13 (Commission of a Fraudulent, Dishonest or Corrupt Act)

14 13. Respondent is subject to disciplinary action under section 3750,  
15 subdivision (j), of the Code, in that she committed a fraudulent, dishonest or corrupt act  
16 substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

17 A. The facts and circumstances set forth in above Paragraph 12 of this  
18 Accusation are incorporated herein by reference.

19 B. On her respiratory care practitioner license renewal application,  
20 Respondent answered "No" to the question regarding whether since she last renewed her  
21 license, she had been convicted of, diverted for, or pled guilty or nolo contendere/no  
22 contest to any violation of any law. On or about May 1, 2008, Respondent signed the  
23 license renewal application declaring under penalty of perjury that the information on the  
24 application was true and correct. She thereafter submitted the license renewal application  
25 to the Board. As Respondent was well aware at the time she signed this license renewal  
26 application, her answer was false by virtue of her conviction as set forth in Paragraph 12  
27 above.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Revoking or suspending Respiratory Care Practitioner License Number  
5 19360 issued to Karen Louise Parker;

6 2. Ordering Karen Louise Parker to pay the Respiratory Care Board the costs  
7 of the investigation and enforcement of this case, and if placed on probation, the costs of  
8 probation monitoring; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: December 22, 2008

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13 Original signed by Liane Zimmerman for:  
14 STEPHANIE NUNEZ  
15 Executive Officer  
16 Respiratory Care Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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